

## REMARKS

Claims 14 and 17-29 are pending in the present application.

In the Office Action that was mailed on January 7, 2008, the Examiner rejected claims 14 and 17-29 under 35 U.S.C. §103(a) as being unpatentable over Walton (U.S. Patent No. 5,621,723) in view of Raith (U.S. Patent No. 5,930,706). This rejection is respectfully traversed and reconsideration is requested.

Claim 14 is directed to a method in which a base station receives a reverse link signal that contains a plurality of subchannel signals from “a” remote station. The transmit power of one or more these subchannel signals is independently adjusted by a power control message. A frame error rate for each of the subchannel signals is compared with a threshold. The power control message is generated based on these comparisons.

The Examiner contends that Walton discloses each of these features, except for the power control message based on a frame error rate. The Examiner relies upon Raith for this admittedly-missing teaching.

Applicant respectfully disagrees that Walton individually adjusts the power level of one of several subchannel signals from a single remote station. Indeed, Applicant more fundamentally disagrees that Walton even receives a set of subchannel signals from a single remote station. Although Walton does adjust the power level of the data channel from a remote station, it is the only data channel which the base station receives from that remote station. The other data channels whose power levels are adjusted are from other remote stations. Applicant’s position will now be demonstrated.

Walton operates in conformance with the IS-95 standard. *See* col. 6, line 46. As explained under the Description of Related Art in the subject patent application, the IS-95 standard uses a “reverse link signal [that] is comprised of a single traffic channel” (emphasis added). P. 2, line 33. Thus, the mobiles in Walton only transmit a single traffic channel.

The Examiner notes that Walton separately adjusts the power levels of signals in different “slots” (which the examiner equates with subchannels). Office Action at pp 2 and 7. This is true. However, this does not demonstrate that Walton receives separate subchannels from a single remote station and individually controls the power level of at least one of them. To the

contrary, Walton is describing the way in which Walton is able to control the power levels from several remote stations, i.e., by assigning each one of these remote stations to a single time slot.

This is mandated by Walton's adherence to the IS-95 standard. It is also made clear by other passages in Walton. For example, Walton indicates in lines 28-30 of column 3 that "the mobile may select the reverse packet data channel" (emphasis added). This clearly indicates that each mobile only transmits one data channel.

To be sure, there is absolutely nothing in Walton that indicates or suggests that a single mobile station is assigned to more than a single one of the power control subchannels that make up Walton's slotting.

Thus, it is clear that Walton does not independently adjust the power level of a subchannel signal that is within a set of subchannel signals from a single remote station. Even in combination, therefore, Walton and Raith fail to disclose a primary element of claim 14.

Claims 21, 25 and 29 contain limitations comparable to those that patentably distinguish Claim 14 from the combination of Walton and Raith, as explained above. Thus, these claims are also patentable in view of these references.

Claims 17-20, 22-24 and 26-28 are dependent upon claims 14, 21, 25 or 29 and thus are also patentable in view of Walton and Raith for the same reasons.

Dependent claims 17, 22 and 26 also require a plurality of threshold values to be generated that each correspond to a frame error rate in one of the subchannel signals from the single remote station. This is but another significant feature that is also missing from the combination of Walton and Raith. Admittedly, Walton adjusts the power level of each of the mobile stations. However, Walton in no way suggests that this should be done by comparing each of these power levels to a different threshold value. Unlike the subject invention, Walton is not concerned with causing variations in the received strength of signals from the various mobiles. Thus, there is no reason for Walton to generate a plurality of threshold values, as required by these claims. To be sure, Applicant respectfully submits that there is no suggestion to the contrary anywhere in the nine paragraphs that the Examiner has cited in Walton for this feature.

**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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